A PROPOSAL

For ENABLING the

CLERGY

TO ACCEPT

ADVANC'D RENTS,

IN

LIEU of FINES.

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BRITISH MUSEUM

A

PROPOSAL, &c.

THE Profeſſion of the Writer of this Sheet, having given him frequent Opportunities of converſing with many of the dignify'd Eccleſiaſtics, and many of their Leſſees of Eſtates for Lives, at Times when their Thoughts were moſt turn'd upon thoſe Tenures; he was much concern'd to find, that in moſt of their Tranſactions relating to them, each of the contracting Parties (to ſay no more) was diſſatisfy'd with the Proceedings of the other.

MUTUAL Complaints, mutual Recriminations he was perpetually witneſs to, and what was worſe, generally concur'd with each, and thought both of them in the wrong; but at the ſame Time, that it was owing to their reſpective Situations.

THE Eccleſiaſtics with great Juſtice urge, That the Fines which they demand for renewing their Leaſes, are much below the real Value of the Addition of a New-Life: The Tables in every Hand prove it.

THE Example of their Predeceſſors ought not to be alledg'd againſt them; the different Rate of the Intereſt of Money juſtifies the Increaſe of the Fine; and it would be Supineneſs in them not to inquire into the Value of the Eſtates to which they are intitled.

TO this they add the difficulty they meet with, of knowing the true Value of the Eſtates in Leaſe, and the Dilatorineſs of ſeveral of the Leſſees in applying for a Renewal.

TO this it is reply'd, That a Chimerical Value of the Eſtates in Queſtion, is computed from the Reports of incompetent Judges, whoſe Names are conceal'd.

THESE reſerv'd in *Petto*, as Articles of Inquiſition to interrogate a Leſſee upon, produce Diſtruſt and Animoſity.

DISDAIN in one Party to have his Veracity queſtion'd, Confidence in the other upon his ſecret Intelligence, ſpin out a difficult Treaty.

HENCE the Complaint of the Difficulty of knowing the true Value: Hence the Dilatorineſs of the Leſſees.

THE Increaſe of the Fine from one Year's Rent, to a Year and Half, nay, even to a Quarter more, is not repin'd at: But that when the Leſſee at his own Charge has improv'd their Eſtate, this Improvement ſhould increaſe the Fine; this they term hard, this they term unreaſonable.

WITH Arguments from theſe Topics, each Party generally manage the War, before they proceed to a Treaty.

THE Writer was ever griev'd to obſerve Gentlemen inflam'd and irritated one againſt the other, whoſe Virtues, whoſe Qualifications, and whoſe Relation as Landlord and Tenant, ought naturally to diſpoſe mutually to eſteem, to court, and to befriend.

AS oft did he wiſh it in his Power to remove the Obſtacles to that Diſpoſition.

AND ſometimes did he adventure to ask ſome Queſtions of either Party, whoſe concurring Anſwers encourag'd him to form a PROPOSAL, which he has ſhewn to ſeveral of the Gentlemen of the different Intereſts, whoſe Judgment he much values, and who emboldned him in this Manner to give it to the Publick, not doubting but if he has hit upon any Thought, which may be improv'd to the Advantage of both the Leſſors and Leſſees upon Lives of Lands belonging to Eccleſiaſtics, and likewiſe greatly to the Advantage of the Nation in general, ſome Patriot will poliſh it, and fit it for the Conſideration of the Legiſlature.

BEFORE 32 *H.* 8. *c.* 28. all Eccleſiaſtical Perſons had Power to Leaſe, Grant, or Alien the Eſtates, of which they were poſſeſs'd in Fee, Conſent being obtain'd, where neceſſary.

THAT Statute, conſulting the Improvement of the Eſtates, and Safety of the Improvers, and guarding againſt the Diſinheriſon of the Church, enabling ſome Corporations, and limiting others by proper Reſtrictions, has receiv'd no great Alteration by the ſubſequent Acts which have been all form'd with the ſame View; guarding only in ſome Caſes not at firſt foreſeen, and giving Power in others, which might ſafely be indulg'd.

OF theſe, 14 *Eliz. c.* 11. and 22 *Car.* 2. *c.* 11. may be a little conſider'd.

THE firſt gives Power to Leaſe ſome Houſes for forty Years, and permits them to be Alien'd upon Aſſurance to the Grantors and their Succeſſors, made in Fee-Simple of Lands of as good Value, and as great yearly Value at the leaſt, in Recompence.

22 *Car.* 2.

22 *Car.* 2. *c.* 11. impowers the Dean and Chapter of St. *Paul's*, to give Leaſes of ſome Ground for forty Years, and ſo from forty Years to forty Years for ever, at a ſtated yearly Rent; one Year's Rent ſo ſtated, to be paid by Way of Fine upon the making every New Leaſe.

THESE Acts are cited to ſhew, That in the Eye of the Law, neither a Permiſſion to alien under proper Reſtrictions, nor the fixing a certain yearly Rent for ever in Lieu of Lands, has been eſteem'd injurious to the Church.

LET them then ſcreen from the Imputation of Novelty, a Propoſal which begs, that a Power indulg'd in ſome Caſes, may be extended to ſome others.

IT is ſo little probable that any of the Eſtates leas'd out upon three Lives by any ſole, or aggregate Corporation of Eccleſiaſtics, ſhould wear out their Term, and be reunited to their reſpective Corporations, (it being natural to expect, that the Perſons into whoſe Power they will fall upon the Determination of their Leaſes, will prefer their Heirs to their Succeſſors) that it is not begging the Queſtion to aſſert, that the Leſſors have no other valuable Intereſt in the Eſtates ſo leas'd, than the Enjoyment of the reſerv'd Rents, and the Expectation of Fines.

MAY not the Expectation of a Fine, be recompenſed by a yearly Value?

WHAT Damage can accrue to the Church, by permitting Lands to be alien'd, if their only valuable Intereſt in them be preſerv'd?

THE firſt Queſtion may certainly be anſwer'd in the Affirmative: And a Series of about ſixty Years might be furniſh'd from ſome of the Chapters, from which, by taking the Mean of ſeveral Combinations, the Equivalent would be adjuſted.

MR. *Halley*, *p.* 674. *Vol.* 3. of the ſecond Edition of the *Philoſophical Tranſactions*, abridg'd by *Lowthorp*, gives a Method of Calculation, which ſeems to prove it almoſt an even Chance, That of three Perſons, the eldeſt of whom is aged forty-five, the ſecond thirty-two, the youngeſt twenty one, one ſhall dye in eleven Years.

A LEASE for three ſuch Lives, would be thought well-circumſtanc'd; but becauſe it muſt be own'd, that the Chance of their ſurviving is ſomething better; be it ſuppos'd that once in twelve Years a Fine would be due.

SHOULD this Conjecture be ſupported by Computations from the Series appeal'd to; it might be aſſerted, That the Expectation of a Fine was well recompenc'd, by a twelfth Part of it beginning inſtantly to be paid Annually.

IN the mean Time let it be ſubſtituted in the Place of the Real Equivalent, 'till determin'd.

HAD all theſe Leaſes been lately renew'd, no Doubt could have ariſen, but that the Fine laſt paid, would have been the Fine to be divided by Twelve; becauſe in that both Parties acquieſced.

BUT as more Fines have been conſiderably advanc'd within eighteen Years (few Corporations Spiritual, if any, before that Time, demanding more than one Year's Rent for a Renewal) it might be proper to fix the Year 1712, an *Epocha*; and that for all Leaſes now treated of, which were laſt granted before the End of that Year, and wherein a New Life was inſerted for one determin'd; the Fine then paid ſhould be divided by Eight, or two Thirds of the Real Equivalent; for all granted ſince by Twelve, for the Annual Payment in Recompence of that Expectation.

AND ſhould the Lands now in Queſtion, be Releaſed to the preſent Tenants for Lives, to them and to their Heirs for ever, ſubject to all the preſent Conditions of their Leaſes, and the further Payment of the Annual Sum to be adjuſted; no Damage could accrue to the Church:

IF the Lands and Hereditaments ſo Releas'd, or Alien'd, ſhould not be capable of being diſcharg'd from the Payment of the Rents, but upon ſubjecting Lands of a yearly Value, at leaſt double to all the Rents reſerv'd, to the ſame Tenure, to the Content of the Corporation, from whom the other were held, with Confirmation where neceſſary; the Content to be ſignify'd by Deed indented.

IT is then propos'd, That in all Caſes, where any Archbiſhop, Biſhop, Dean, Dean and Chapter of any Cathedral or Collegiate Church, Maſter, Guardian or Guardians of any Hoſpital or School, Parſon, Vicar, or any other having Eccleſiaſtical Promotion, ſhall have by Virtue of any Statute now in being, given a Leaſe for the Term of three Lives, of any Manors, Houſes, Lands, Tithes, Tenements or other Hereditaments, being Parcel of the Poſſeſſions of any Archbiſhoprick, Biſhoprick, Deanary, Cathedral, or Collegiate Church, Chappel, Hoſpital, School, Parſonage, Vicarage, or other Spiritual Promotion; ſuch Spiritual Perſons ſhall be impowered to Releaſe to the Tenant for Lives in Poſſeſſion, to him and his Heirs for ever, all ſuch Manors, *&c.*

ON Condition that by the Grant of ſuch Releaſe, there be farther reſerv'd to ſuch Spiritual Perſons and their Succeſſors for ever, over and above all preſent Payments and Rents reſerv'd, the twelfth Part of the Fine laſt paid for a Renewal, wherein a new Life was inſerted, for one determin'd, if the ſaid Fine was paid ſince the 25th of *March* 1713: But if the ſaid Fine was paid before that Day, then the eighth Part of the ſaid Fine to be paid Annually, by Half-yearly Payments on the ſame Days with the Rent before reſerv'd, and with the ſame Powers of Coercion.

ALWAYS provided, That the ſaid Fine, with the Day of Payment, be ſpecify'd in the Body of the Deed; And that where the Perſon granting the Releaſe is a ſole Corporation, the Leſſor ſhall, before the Sealing and Delivery of the ſaid Deed of Releaſe, make Oath in the Preſence of thoſe, whoſe Confirmation would have been neceſſary to his Grant before 32 *H.* 8. *c.* 28. or in the Preſence of a Juſtice of Peace, (which Oath the ſaid Perſon or Perſons, or Juſtice, may be empower'd to adminiſter,) That the Fine ſpecify'd in the Releaſe, of which the increas'd Rent is one twelfth, or one eighth Part (as the Caſe ſhall be) in his Belief, and to the beſt of his Knowledge, was the laſt Fine paid for a new Leaſe of the Lands Releaſed, wherein a New Life was added in the Place of one determin'd.

THE Oath to be Sign'd by the Perſon taking it, atteſted by the Perſon or Perſons in whoſe Preſence taken, endors'd both on the Original Deed and the Copy, and the whole Tranſaction to be witneſs'd by two Witneſſes.

BUT where the Grantors are a Corporation aggregate, this Oath may be made and ſign'd by any one of the Body in Preſence of the reſt; the Ceremonies of Atteſting, Endorſing and Witneſſing as before.

AND on farther Condition, that the Leſſee ſhall covenant for himſelf, his Heirs and Aſſigns, not to do, or to conſent to any Act, whereby the Premiſſes may be leſſen'd in their Value ſo much, as that the Annual Rent of them may be abated, ſo as not to be double to all the reſerv'd Rents, without ſubjecting to the ſame Conditions, and to the ſame Powers of Coercion, Lands of more than double the yearly Value of all the reſerv'd Rents, in Exchange for the Premiſſes ſo leſſen'd, to the Content of the Corporation, from whom he holds them, to be ſignify'd by Deed indented; and if the Corporation be Sole, with Confirmation *Quorum* Intereſt.

AFTER which Deed obtain'd, the Lands ſhould be diſcharg'd for ever againſt the ſaid Corporation, and their Succeſſors.

BUT if the Leſſee, his Heirs or Aſſigns in Poſſeſſion, after having done, or conſented to ſuch Act, ſhall not in ſix Months, after the ſame is requir'd in Writing, preſent to the Leſſor or Leſſors, or their Succeſſor or Succeſſors, (as the Caſe ſhall be) a Rental of ſufficient Lands propos'd in Exchange, and when accepted, aſſure them in ſuch manner as their Council ſhall direct; It ſhould then be lawful for the Leſſor or Leſſors, their Succeſſor or Succeſſors, to enter into the Eſtate ſo Leas'd and Releas'd, and from thenceforth fully and freely to enjoy, until the ſaid Leſſee, his Heir or Aſſign, ſhall have ſubjected ſufficient Lands, as above directed.

MOREOVER, by the Fine laſt paid, muſt be underſtood the Fine laſt paid before the firſt Day of that Seſſions of Parliament, which ſhould paſs ſuch a Bill.

IT is not eaſy to enumerate all the Advantages, which would flow from a Statute form'd upon this Plan; nor is it neceſſary, for they are obvious enough to thoſe immediately concern'd.

TWENTY Pounds is no more than the twelfth Part of 240 *l.*

BUT the Simple Intereſt of the ſeveral Sums paid in the eleven firſt Years, and placed out at the End of every Year, computed at *Four per Cent.* amounts to 52 *l.* 16 *s.*

SO that 20 *l.* paid annually, is better than 292 *l.* 16 *s.* to be paid twelve Years hence, by the Advantage to be made by Intereſt of the Intereſt, and by the Opportunities of placing the ſeveral Sums out quicker.

BUT the Benefits of a fix'd Rental, towards ſettling good Œconomy above thoſe which attend an Eventual one, are more conſiderable.

EVERY one's Imagination will preſent him with numberleſs Situations of Life, in which Eccleſiaſtics may be found, whom ſuch a Regulation would much accommodate.

BUT the Leſſees would find a much greater Advantage:

AT preſent thoſe of them who would Sell, find themſelves under great Difficulties.

WHERE Eſtates in Fee are ſold at twenty four Years Purchaſe, Leaſes for three Lives fetch no more than ſixteen.

HERE is a Difference of one Third, Half of which may be preſum'd aſſignable to the Uncertainty of the Fines.

FOR whatever Bounds the Clergy may have ſet to themſelves, People who have Money to lay out, make great Deductions for their running the Riſque of lying at Mercy with two tottering Lives, or loaded with an Improvement, treating as probable whatever is poſſible.

WHEREAS by this Scheme thoſe Fears being remov'd, theſe Eſtates could not fail of being eſteem'd near as valuable as any other.

THEY muſt at leaſt reach twenty Years Purchaſe, where the other are commonly ſold at twenty four.

AS the Law now ſtands, a Leaſe for three Lives of 120 *l. per An. Nett.* after the Deduction of the reſerv'd Rent, may fetch 1900 *l.*

SUPPOSE the Fine paid upon the Renewal 180 *l.* the increas'd Rent 15 *l.* and the Nett Rent after that deducted, 105 *l.* This at twenty Years Purchaſe, would give 2100 *l.*

BUT to thoſe who would not be neceſſitated to part with theſe Eſtates, a fix'd Income, Security of Poſſeſſion, and Exemption from the Care and the Trouble of providing for a Fine, and adjuſting what it ſhould be, are Things not eaſily valuable.

NOR in this Scheme would the Publick want its Share of Advantage.

MOST of the Eſtates here treated of, are Rectories Appropriate, the Bulk of whoſe Rents, conſiſts in Tythes; the Intereſt of which, generally lies counter to Improvements.

ATTEMPTS of incloſing frequently are Abortive, from the Difficulty of adjuſting a ſatisfactory Equivalent for them.

AND in many Pariſhes, where they are greiv'd by a very inconvenient Diſpoſition of their Feilds, and ſee their Remedy in a New Regulation, the Danger to the Tythes, by conſenting to Innovations, renders the Tenant Tenacious of the Old Cuſtom.

IN Caſes of this Nature, an Impropriator would be more treatable, for where he could not be brought to acquieſce in the Equivalent propos'd, nor to diſmiſs his Fears of the Dangers attending Innovations; He might be induc'd for a Sum in Hand, to diſcharge the Lands, to be improv'd from Tythes for ever.

THESE Advantages juſt mention'd, want not to be enlarg'd upon. Nor do any Diſadvantages occur.

THE Intereſts of the Living are conſulted, and well-ſecur'd, by a Liberty left to all to Act, as their Intereſt ſhall direct.

AND the Oath, with the Specification of the Fine, anſwers to Poſterity, that the Proceedings ſhall be *bonâ fide*.

NOR is the Suppoſition, that Money may in ſome Time to come, greatly abate of its proportionable Value; a ſufficient Foundation to raiſe a conſiderable Objection upon.

ON the other hand, ſomething of this Kind may ſeem neceſſary for the Security of the Eccleſiaſtics, at a Time when the indiſcreet Zeal of ſome officious Pens, by encouraging them to expect whatever ſuch Eſtates in Lay-hands are oblig'd to pay; and directing their Views to watch all Opportunities of transferring into their own Families the Leaſes iſſuing from them, has ſounded an Alarm to all their Tenants.

FOR ſhould it ever be diſcover'd, that a Dignitary of the Church had improv'd thoſe Hints, at the Price of Contempt and Deteſtation, under the Diſcouragement of Age, and not ſollicited by a ſcanty Revenue, The Dread muſt be univerſal.

AND then we might well apprehend, that from the undiſtinguiſhing Ravage of a haſty Hand, the Church would lament a ſecond Reformation.

IF then the Leſſors and the Leſſees, the preſent Age and Poſterity would all find their Account in this Propoſal:

LET every Member of each Houſe, into whoſe Hands the Publick Fortune has thrown this Paper, think himſelf addreſs'd by the Numbers concern'd, to exert his Talents, that it may be Enacted into a Law.

FINIS.

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